

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	NOTICE OF VIOLATION
Murphy Oil USA Inc.,)	
Superior, Wisconsin)	EPA-5-00-WI-24
)	
PROCEEDING PURSUANT TO SECTION)	
113(a) OF THE CLEAN AIR ACT, AS)	
AMENDED, 42 U.S.C. § 7413(a).)	

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the United States Environmental Protection Agency ("U.S. EPA"), by authority duly delegated to the undersigned, finds that Murphy Oil USA Inc., ("Murphy"), is in violation of Part C of the CAA, the Prevention of Significant Deterioration ("PSD") standards set forth at 40 C.F.R. § 52.21 and the Wisconsin State Implementation Plan ("SIP").

REGULATORY BACKGROUND:

1. On June 19, 1978, U.S. EPA promulgated PSD regulations pursuant to Part C of the Act. (45 Federal Register 27561). The PSD regulations were revised on August 7, 1980. (45 Federal Register 52676). These regulations are codified at 40 C.F.R. § 52.21 et seq.
2. On January 29, 1981, pursuant to 40 C.F.R. § 52.21(a), U.S. EPA incorporated and made part of the applicable Wisconsin SIP the Federal PSD regulations in 40 C.F.R. § 52.21, with enforcement authority vested in both Wisconsin Department of Natural Resources ("WDNR") and U.S. EPA.
3. The PSD regulations found at 40 C.F.R. §§ 52.21(b) through (w), and any subsequent revisions, are incorporated into the Wisconsin SIP at 46 Federal Register 9585 (January 29, 1981). 40 C.F.R. §§ 52.21(a) and 52.2581.
4. Pursuant to 40 C.F.R. § 52.21(u), on November 13, 1987, U.S. EPA delegated its responsibility for conducting "source review" under the PSD regulations to the State of Wisconsin. U.S. EPA, however, retained separate authority to enforce the Act and the implementing regulations with respect to PSD. 53 Fed. Reg. 18983-18985 (1988).
5. In a National Ambient Air Quality Standards ("NAAQS") attainment area, 40 C.F.R. § 52.21(i)(1) prohibits construction of a major stationary

source, or major modification, without a permit to construct issued pursuant to PSD regulations.

6. A major source includes any of the 28 designated industrial source categories listed under 40 C.F.R. § 52.21(b)(1)(i)(a) which emits, or has the potential to emit, 100 tons per year ("tpy") of any pollutant subject to regulation under the Act. The list of designated source categories includes petroleum refineries.
7. Pursuant to PSD regulations, 40 C.F.R. § 52.21(n), requires owners or operators of a proposed source or modification to submit all information necessary to perform any analysis or make any determination required by the PSD regulations.

FINDING OF VIOLATION


8. Murphy owns and operates a Distillate Hydrotreater identified as the No. 2 DUF in its refinery in Superior Wisconsin.
9. Emissions from the No. 2 DUF are routed to the Claus sulfur recovery unit ("SRU") where hydrogen sulfide produced during the dehydrosulfurization process is converted into elemental sulfur. Therefore the SRU acts as the control device for the No. 2 DUF.
10. On July 14, 1992, Murphy proposed to modify the No. 2 DUF in order to produce low sulfur diesel in accordance with the Clean Air Act.
11. At the time of the permit application, Murphy was a major source for SO₂ because it emitted more than 100 tpy of SO₂. 40 C.F.R. § 52.21(b)(1)(I)(a).
12. According to the Wisconsin Department of Natural Resources (WDNR), at the time of the permit application, Murphy had in its possession additional information which was relevant to the 1992 permit decision. This information consisted of engineering reports prepared by firms under contract to Murphy which detail their analyses of the efficiency of the SRU prior to 1992.
13. 40 C.F.R. § 52.21(n) requires requires owners or operators of a proposed source or modification to submit all information necessary to perform any analysis or make any determination required by the PSD regulations.
14. Since Murphy did not submit to WDNR all information at the time it applied to modify the No. 2 DUF, Murphy is in violation of 40 C.F.R. § 52.21(n).

FINDING OF VIOLATION

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notified the State of Wisconsin and Murphy Oil USA Inc., that the facility described above is in violation of the federally enforceable PSD regulations found at 40 C.F.R. § 52.21, and the Wisconsin SIP as set forth in this Notice of Violation.

Date

9/29/00



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation, No. EPA-5-00-WI-24, by certified Mail, Return

Receipt Requested, to:

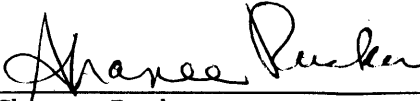
Greg Neve, Plant Manager
Murphy Oil USA, Inc.
P.O. Box 2066
Superior, Wisconsin 54880

I also certify that I sent Copies of the Notice of Violation by first class mail to:

Lloyd Eagan, Director
Bureau of Air Management
Wisconsin Department of Natural Resources
P.O. Box 7921
101 South Webster Street
Madison, Wisconsin 53707

Mark Stokstad, Regional Leader
Northern Region
Wisconsin Department of Natural Resources
107 Sutliff Avenue
Rhinelander, Wisconsin 54501

on the 29 day of September, 2000.


Shanee Rucker
AECAS MI/WI

Certified Mailing Number P140897863